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Docket 78685XF-P
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

John R. Fredlund, et al

SYSTEM FOR DISPLAYING,
STORING AND RETRIEVING
IMAGES

Serial No. 09/213,169

Filed November 30, 2000

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

APPEAL BRIEF TRANSMITTAL

Enclosed herewith in triplicate is Appellants' Appeal Brief for the above-identified application.

The Commissioner is hereby authorized to charge the Appeal Brief filing fee to Eastman Kodak Company Deposit Account 05-0225. A duplicate copy of this letter is enclosed.

Respectfully submitted,



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Group Art Unit: 3722

Examiner: Willmon Fridie, Jr.

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Paula West
Paula West

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APPEAL BRIEF PURSUANT TO 37 C.F.R. 1.192

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Table Of Contents

<u>Table Of Contents</u>	i
<u>Real Party In Interest</u>	1
<u>Related Appeals And Interferences</u>	1
<u>Status Of The Claims</u>	1
<u>Status Of Amendments</u>	1
<u>Summary Of The Invention</u>	1
<u>Issues For Review By The Board</u>	2
<u>Grouping Of Claims</u>	2
<u>Arguments</u>	2
The Rejection	2
<u>Summary</u>	5
<u>Conclusion</u>	5
<u>Appendix I - Claims on Appeal</u>	6

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APPELLANT'S BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 1-36 and 40-63 which was contained in the Office Action mailed July 2, 2003.

A timely Notice of Appeal was filed September 16, 2003.

Real Party In Interest

As indicated above in the caption of the Brief, the Eastman Kodak Company is the real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Claims 1-36 and 40-63 have been rejected and are appealed.

Appendix I provides a clean, double spaced copy of the claims on appeal.

Status Of Amendments

All of the amendments have been entered and the claims stand as indicated in Appendix I.

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Summary Of The Invention

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The present invention is directed to an improved album paging system for displaying, storing and retrieving of images which provide means for readily identifying the source of the images provided on an album page. In particular, an album leaf 10 (Fig. 1) includes a plurality of images 15, 16, 17, 18, 19 provided on at least one side of the album leaf. The album leaf includes an icon 50 wherein each of the individual images 15, 16, 17, 18, 19 are identified. In addition the icon individually identifies the source of each of the images 15, 16, 17, 18 and 19 by identification 60.

As shown in Figure 2, there are provided two icons 52, 54, each illustrating and identifying individual images and each having a respective source identification, items 68 and 70. The icons and identification codes quickly allow

identification of each of the images with respect to its individual source, thereby allowing the viewer to be able to track down the source of the image.

Issues For Review By The Board

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Whether claims 1-7, 12, 13, 19, 23-25, 29, 34, 35, 40, 43, 44, 46, 50-52, 57, 58, 62 and 63 are unpatentable over Manico et al. (US Patent 5,791,692) in view of Shiota (US Patent 4,903,068).
2. Whether claims 2-6, 14-18, 26-28, 30, 36, 41-45 and 53-56 are unpatentable under 35 USC § 103(a) over Manico ('692) in view of Shiota ('068) and further in view of Manico (US Patent 5,760,880).
3. Whether claims 8, 20, 31, 37 and 59 are unpatentable over Manico ('692) in view of Shiota ('068) and further in view of Werner (US Patent 5,709,496).
4. Where claims 9, 10, 21, 22, 32, 33, 48, 49, 60 and 61 are unpatentable under 35 USC § 103(a) over Manico ('692) in view of Shiota ('068) in view of Combs (US Patent 5,782,349).

Grouping Of Claims

- Group I: Claims 1, 3-13, 15-25, 27-36, 41-52, 54-63
Group II: Claims 2, 14, 26 and 53

Arguments

The Rejection

Group I – Claims 1, 3-13, 15-25, 27-36, 40-52, 54-63

- A. The Examiner in the Official Action dated July 2, 2003 rejected claims 1-7, 12, 13, 19, 23-25, 29, 34, 35, 40, 43, 44, 46, 50-52, 57, 58, 62 and 63 as being obvious over Manico '692 in view of Shiota '068.

It is often desirable to provide album pages on which a plurality of individual images are formed. These album leafs typically have images from more than one source. For example, an album leaf typically has a number of images from which may come from a variety of sources. For example, these album leafs can be produced by the user reviewing a number of images and then requesting that an image provider produce these album leafs wherein the user provides a number of different strips of film designating where each of the images are to be provided on the film strip. Quite often the user takes a great deal of care in deciding the arrangement of the images to provide a particular memorable product. As such, the images are typically placed in a particular sequence and are often obtained from a variety of sources. For example, the images may come from a variety of different rolls of film, or may have come from different capture devices. However, a problem exists when the user wishes to retrieve the original image for later use based on the review of the album leaf. It is extremely difficult to know where the images on the album leaf originated. The present invention is directed to solving this problem.

The present invention is directed to an improved album leaf and system for displaying, storing and retrieving images which comprise an album leaf having images and icons formed thereon. That is to say, that the images and icons are an integral part of the album leaf. As clearly described and discussed in the specification on page 5, line 20, continuing onto page 6, the images are printed directly onto the media. Thus, the present invention is not directed to an album leaf where images are loosely affixed to the leaf at some later point in time, but an album leaf wherein the images and icons are integrally formed thereon. Independent claims 1, 40 and 52 set forth that the icons provide information for individually identifying the source from which said plurality of images originate. An important part of the present invention is that both the images and icons are integrally formed and there is no other retaining function to be provided by the customer. Thus, this avoids any potential mix-ups or transposition that may later occur to a customer trying to put information on an album leaf at a later point. Both the images and icons are permanently affixed to the leaf. The Examiner has rejected these claims over Manico in view of Shiota. Applicants acknowledge that Manico discloses an album leaf to which the present invention is directed to. However, as the Examiner has noted, there is no use of an icon as taught and claimed by Applicants. The Examiner relies on Shiota for the suggestion of modifying Manico in order to provide the icon.

The Shiota reference discloses an index print having individual frame numbers. However, these frame numbers are nothing more than the position on which they occur on the roll of film. They themselves do not identify the source in which the images originated. In fact, there is nothing to indicate in Shiota et al. that there is any identification information for which the images placed thereon can be associated with the original image source. As set forth in Shiota, the images are basically printed at the same time the actual size of the service prints are provided. These are typically packed in the same envelope and returned to the customer. There is nothing on the index print that identified the particular source (roll of film) from which it came. The frame number disclosed in Shiota merely refers to frame of film from which the index print is associated. the frame number does not specifically identify the specific roll of film to which the present invention is directed. The '870 reference is believed to be of little or no relevance to the present invention.

As previously discussed, the album leaf may have images from a variety of different sources. That is why it is important, as set forth in the claims, that the icon is provided for individually identifying the source for each of the images. Thus, the icon identifies each of the images. In addition, it is important to also be able to individually identify the source from which the individual image came from. Thus the need for individually identifying each of the images as well as the source by the icons of the present invention. Neither Manico or Shiota teach such icons.

The Shiota reference fails to teach or suggest an icon for individually identifying the source from which a plurality of images originated as taught in the claim by Applicants. Applicants further respectfully submit that there is no teaching or suggestion of combining the Manico '692 and Shiota '068 references. In the Shiota reference, all the images come from the same source, e.g. same roll of film. Reference numeral 65 merely refers to the frame number that the image has with respect to that associated roll of film. See column 4, lines 26-36. This is in contrast to the Manico reference which is directed to producing an album page. The remaining claims in this group depend, at least ultimately, upon the rejected claims and are therefore patentably distinct for the same reasons. Accordingly, it is respectfully submitted that the subject claims of Group I are clearly distinct over the prior art. The remaining claims not rejected depend, at least ultimately, upon the rejected claims and are patentably distinct for the same

reason. The remaining later cited references fail to teach or suggest the claimed invention of the rejected claims.

Group II - Claims 2, 14, 26 and 53

B. These claims are dependent claims which depend at least ultimately upon one of the independent claims previously discussed in Group I and further sets forth that the icon comprises a silhouette (as illustrated in Figure 1), of the plurality of images provided on that side of the album leaf. The silhouette provides information as to the location of the image on that side of the album leaf. This allows for quick identification of the particular image and readily associating the source for that particular image. In addition, the icon may provide additional information such as the particular format of image, (as indicated by the letters) and frame number of the image on the original source. There is no teaching or suggestion in either of the two cited references of providing an icon in the form of a silhouette as taught and claimed by Applicants.

Accordingly, for this additional reason these claims are allowable.

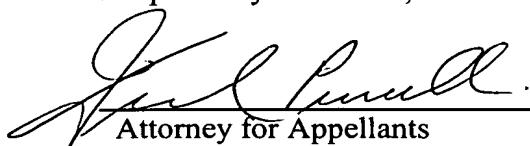
Summary

In summary Applicants respectfully submit that the present invention is patentable over the cited art.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of the Claims .

Respectfully submitted,



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Appendix I - Claims on Appeal

1. (previously amended) An album leaf having a first side having a first image retaining section and a second side having a second image retaining section, said first image retaining section on said first side having a plurality of images and a first icon formed thereon, said first icon individually identifying the source from which said plurality of images originated.

2. (original) An album leaf according to claim 1 wherein said icon comprises a silhouette of said plurality of images provided on said first side, an image ID, and an origination ID, said image ID and said origination ID being associated with said at least one of said plurality of images, said origination ID indicating said first source and said image ID indicating the location of said image on said first source.

3. (original) An album leaf according to claim 2 wherein said album leaf is provided with a margin area separated from said images, said icon being placed in said margin area.

4. (original) An album leaf according to claim 3 wherein said margin area further includes a plurality of openings for allowing the album leaf to be placed into a binder.

5. (original) An album leaf according to claim 4 wherein said binder is a ring binder.

6. (previously amended) An album leaf according to claim 1 wherein said icon identifies at least two different sources.

7. (previously amended) An album leaf according to claim 1 wherein said second image retaining section of said second side is also provided with a plurality of images and a second icon for individually identifying the source from which each of said plurality of images on said second side originated.

8. (previously amended) An album leaf according to claim 1 wherein said source comprises a film cartridge containing a strip of photographic film, said cartridge having an ID.

9. (previously amended) An album leaf according to claim 1 wherein said source comprises a CD having an ID thereon.

10. (previously amended) An album leaf according to claim 1 wherein said source comprises a computer disc having an ID thereon.

11. (previously amended) An album leaf according to claim 1 wherein said source is a memory storage device.

12. (original) An album leaf according to claim 1 wherein said leaf is made of a photographic paper.

13. (previously amended) A system for displaying, storing and retrieving images, comprising:

an album leaf having a first side having a first image retaining section and a second side having a second image retaining section, said first image retaining section on said first side having a plurality of images and a first icon formed thereon, said first icon for individually identifying the source from which each of said plurality of images originated; and

a binder for containing of said album leaf, said album having a plurality of retaining means for holding items containing the first source of the images contained in said album leaf.

14. (original) A system for displaying, storing and retrieving images according to claim 13 wherein said icon comprises a silhouette of said plurality of images provided on said first side, an image ID, and an origination ID, said image ID and said origination ID being associated with said at least one of said plurality of images, said origination ID indicating said first source and said image ID indicating the location of said image on said first source.

15. (original) A system for displaying, storing and retrieving images according to claim 14 wherein said album leaf is provided with

a margin area separated from said images, said icon being located in said margin area.

16. (original) A system for displaying, storing and retrieving images according to claim 15 wherein said margin area further includes a plurality of openings for allowing the album leaf to be placed into a binder and said retaining means comprises a plurality of pockets.

17. (original) A system according to claim 16 wherein said binder is a ring binder.

18. (previously amended) A system according to claim 13 wherein said icon identifies at least two different sources.

19. (previously amended) A system according to claim 13 wherein said second image retaining section of said second side is also provided with a plurality of images and a second icon formed thereon, said second icon individually identifying the source from which each of said plurality of images on said second side originated.

20. (original) A system for displaying, storing and retrieving images according to claim 13 wherein said first source comprises a film cartridge containing a strip of photographic film, said cartridge having an ID.

21. (previously amended) A system for displaying, storing and retrieving images according to claim 13 wherein said source comprises a CD having an ID thereon.

22. (previously amended) A system for displaying, storing and retrieving images according to claim 13 wherein said source comprises a computer disc having an ID thereon.

23. (previously amended) A system for displaying, storing and retrieving images according to claim 13 wherein said source is memory storage device.

24. (original) An album leaf according to claim 13 wherein said leaf is made of a photographic paper.

25. (previously amended) A system for displaying, storing and retrieving images, comprising:

an album leaf having a first side having a first image retaining section and a second side having a second image retaining section, said first image retaining section on said first side having a plurality of images and an icon formed thereon, said icon for individually identifying the first source from which each of said plurality of images originated;

a binder for containing said album leaf; and

a retaining album leaf having a plurality of retaining means for holding items containing the first source of the images contained in said album leaf.

26. (previously amended) A system for displaying, storing and retrieving images according to claim 25 wherein said icon comprises a silhouette of said plurality of images provided on said first image retaining section of said first side, an image ID, and an origination ID, said image ID and said origination ID being associated with said at least one of said plurality of images, said origination ID indicating said first source and said image ID indicating the location of said image on said first source.

27. (original) A system for displaying, storing and retrieving images according to claim 26 wherein said album leaf is provided with a margin area separated from said images, said icon being located in said margin area and said retaining means comprises a plurality of pockets.

28. (original) A system for displaying, storing and retrieving images according to claim 27 wherein said margin area further includes a plurality of openings for allowing the album leaf to be placed into a ring binder.

29. (previously amended) A system for displaying, storing and retrieving images according to claim 25 wherein said icon identifies at least two different sources.

30. (previously amended) A system for displaying, storing and retrieving images according to claim 25 wherein a second icon is provided on said first image retaining section of said first side for individually identifying a second source from which each of said plurality of images originated, said second source being different from said first source.

31. (previously amended) A system for displaying, storing and retrieving images according to claim 25 wherein said source comprises a film cartridge containing a strip of photographic film, said cartridge having an ID.

32. (previously amended) A system for displaying, storing and retrieving images according to claim 25 wherein said source comprises a CD having an ID thereon.

33. (previously amended) A system for displaying, storing and retrieving images according to claim 25 wherein said source comprises a computer disc having an ID thereon.

34. (previously amended) A system for displaying, storing and retrieving images according to claim 25 wherein said source is memory storage device.

35. (previously amended) A source retaining album leaf for placement in a binder having at least one album leaf placed therein, said album leaf having a first side having a first image retaining section and a second side having a second image retaining section, said first image retaining section on said first side having a plurality of images and a first icon formed thereon, said first icon individually identifying the first source from which each of said plurality of images on said first side originated, said source retaining album leaf having a plurality of retaining means for holding items containing the original source of the images contained in said album leaf.

36. (original) A source retaining album leaf according to claim 35 wherein said retaining means comprises a plurality of pockets.

37. Canceled

38. Canceled

39. Canceled

40. (previously amended) An image-bearing media having a first side having a first image retaining section said first image retaining section on said first side having a plurality of images and a first icon formed thereon, said first icon individually identifying the source from which each of said plurality of images originated.

41. (original) An image-bearing media according to claim 40 wherein said icon comprises a silhouette of said plurality of images provided on said first side, an image ID, and an origination ID, said image ID and said origination ID being associated with said at least one of said plurality of images, said origination ID indicating said first source and said image ID indicating the location of said image on said first source.

42. (original) An image-bearing media according to claim 41 wherein said image-bearing media is provided with a margin area separated from said images, said icon being located in said margin area.

43. (original) An image-bearing media according to claim 42 wherein said margin area further includes a plurality of openings for allowing the album leaf to be placed into a binder.

44. (original) An image-bearing media according to claim 43 wherein said binder is a ring binder.

45. (previously amended) An image-bearing media according to claim 40 wherein said icon identifies at least two different sources. .

46. (previously amended) An image-bearing media according to claim 40 wherein said second image retaining section of said second side is also

provided with at least one image and a second icon formed thereon, said second icon individually identifying the source from which each of said plurality of images of images originated.

47. (original) An image-bearing media according to claim 40 wherein said first source comprises a film cartridge containing a strip of photographic film, said cartridge having an ID thereon.

48. (previously amended) An image-bearing media according to claim 40 wherein said source comprises a CD having an ID thereon.

49. (previously amended) An image-bearing media according to claim 40 wherein said source comprises a computer disc having an ID thereon.

50. (previously amended) An image-bearing media according to claim 1 wherein said source is memory storage device.

51. (original) An image-bearing media according to claim 1 wherein said leaf is made of a photographic paper.

52. (previously amended) A system for displaying, storing and retrieving images, comprising:

an image-bearing media having a first side having a first image retaining section and a second side having a second image retaining section, said image

retaining section on said first side having a plurality of images formed on said first side originating from a first source and an icon also formed on said first side for individually identifying the source from which each of said plurality of images of images originated; and

a binder for containing said album leaf, said album having a plurality of retaining means for holding items containing the first source of the images contained in said album leaf.

53. (previously amended) A system for displaying, storing and retrieving images according to claim 52 wherein said icon comprises a silhouette of said plurality of images provided on said first image retaining section of said first side, an image ID, and an origination ID, said image ID and said origination ID being associated with said at least one of said plurality of images, said origination ID indicating said first source and said image ID indicating the location of said image on said first source.

54. (original) A system for displaying, storing and retrieving images according to claim 53 wherein said album leaf is provided with a margin area separated from said images, said icon being located in said margin area.

55. (original) A system for displaying, storing and retrieving images according to claim 54 wherein said margin area further includes

a plurality of openings for allowing image-bearing media to be placed into a binder and said retaining means comprises a plurality of pockets.

56. (original) A system according to claim 55 wherein said binder is a ring binder.

57. (previously amended) A system according to claim 52 wherein said icon identifies at least two different sources.

58. (previously amended) A system according to claim 52 wherein said second image retaining section of said second side is also provided with a plurality of images and a second icon for individually identifying the source from which each of said plurality of images on said second side originated.

59. (original) A system for displaying, storing and retrieving images according to claim 52 wherein said first source comprises a film cartridge containing a strip of photographic film, said cartridge having an ID.

60. (original) A system for displaying, storing and retrieving images according to claim 52 wherein said first source comprises a CD having an ID thereon.

61. (original) A system for displaying, storing and retrieving images according to claim 52 wherein said first source comprises a computer disc having an ID thereon.

62. (original) A system for displaying, storing and retrieving images according to claim 52 wherein said first source is memory storage device.

63. (original) A system according to claim 52 wherein said image-bearing media is made of a photographic paper.